IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH POUSHA 1928

WP(C).No. 1950 of 2007(F)

PETITIONER:

K.M.UMMER, S/O.KUNHAMMED,
PEON (RTD), KSRTC, KOZHIKODE,
THACHOLIL HOUSE, CHERUVADI, KOZHIKODE.

BY ADV. SRI.P.P.SOMAN NAIR

RESPONDENTS:

1.KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT PO.,THIRUVANANTHAPURAM.

2.THE FINANCIAL ADVISOR AND CHIEF
ACCOUNTS OFFICER, KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPUARM.

3.THE ASSISTANT ACCOUNTS OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM.

4.THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
KOZHIKODE.

BY ADV.MR.K.PRABHAKARAN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.1950 of 2007

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Dated: 17th January, 2007

JUDGMENT

The grievance of the petitioner is that though he retired from the service of the K.S.R.T.C. on 31.12.2005, he has not been paid his retiral benefits so far. He agrees that his turn as per the guidelines formulated pursuant to the judgment of the Division Bench of this court in W.A.No.289/01 is yet to arrive. But he relies on Ext.P2 series of medical records and complains that he had to expend huge amounts for undergoing heart surgery and treatment related to his heart ailments.

2. Mr.K.Prabhakaran takes notice on the behalf of the K.S.R.T.C.

3. Heard Mr.P.P.Soman Nair, learned counsel for the petitioner and Mr.K.Prabhakaran, Standing Counsel for the K.S.R.T.C.

4. Having considered the grounds raised and the documents placed on record, I am of the view that there is justification for releasing at least a portion of the petitioner's retiral benefits out of turn considering the principles laid down by the Division Bench of this court in W.A.No.1775/04. Under these circumstances, the Writ Petition will stand disposed of with the following directions:

The respondents will release to the petitioner all the amounts

due to him on account of Provident Fund together with statutory interest till date of payment and on account of Staff Welfare Fund within two months of receiving a copy of this judgment. The respondents will also release all the amounts due to him on account of his D.C.R.G. within the aforesaid time-limit.

srd **PIUS C.KURIAKOSE, JUDGE**